

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 12-236
Table of Allotments,)	RM-11671
FM Broadcast Stations.)	
(Roaring Springs, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 2, 2013

Released: May 3, 2013

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a *Notice of Proposed Rule Making* (“*Notice*”) issued in response to a Petition for Rule Making (“*Petition*”) filed by Jesus B. Salazar (“*Petitioner*”), permittee of FM Station KPMJ, Channel 227A, Matador, Texas;¹ (2) the “hybrid” application (the “*Application*”) filed by the *Petitioner*; ² and (3) supporting comments filed by the *Petitioner*. For the reasons discussed below, we grant the *Petition* and the *Application*.

2. **Background.** The *Notice* proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s rules, by substituting Channel 227A for vacant Channel 249A at Roaring Springs, Texas, and substituting Channel 249C3 for vacant Channel 276C3 at Roaring Springs, Texas, as part of a contingently filed “hybrid” application and rule making petition. The purpose of the proposed channel substitutions is to accommodate the *Application* to upgrade Station KPMJ at Matador from Channel 227A to Channel 276C3.

3. **Discussion.** We believe that the proposed channel substitution will serve the public interest, because it will accommodate *Petitioner*’s proposed channel upgrade for Station KPMJ, thus significantly increasing the number of the station’s potential listeners. Moreover, as *Petitioner* points out, the proposed upgrade would allow Station KPMJ to operate with Class C3 facilities, consistent with the original auction allotment of Channel 227C3 at Matador. In the case of unbuilt new stations, we compare a modification of permit proposal to the original allotment. Thus, because the original auction allotment was for Channel 227C3, we agree with *Petitioner* that the proposed channel change at Matador can be processed as a same class channel substitution pursuant to Section 73.3573(a)(1)(iv) of the Commission’s rules.³ Channel 227A can be allotted at Roaring Springs, Texas, at 33-59-36 NL and 100-52-10 WL, with a site restriction of 10.5 km (6.5 miles) north of Roaring Springs. Channel 249C3 can be allotted at Roaring Springs, Texas, at 33-57-55 NL and 100-47-36 WL, with a site restriction of 9.4 km (5.9 miles) northeast of Roaring Springs.

¹ *Roaring Springs, Texas*, Notice of Proposed Rule Making, 27 FCC Rcd 10207 (MB 2012) (“*Notice*”).

² See File No. BMPH-20120523AAB.

³ 47 C.F.R. § 73.3573(a)(1)(iv).

4. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.⁴

5. Accordingly, IT IS ORDERED, that effective June 17, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Roaring Springs, Texas	227A, 249C3

6. IT IS FURTHER ORDERED, that the application of Jesus B. Salazar, for a construction permit for Station KPMJ, Channel 276C3, Matador, Texas, File No. BMPH-20120523AAB, IS GRANTED.

7. The window periods for filing applications for Channels 227A and Channel 249C3 at Roaring Springs, Texas, will not be opened at this time. Instead, the issue of opening filing windows for these allotments will be addressed by the Commission in a subsequent order or orders.

8. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁴ See 5 U.S.C. § 801 (a)(1)(A).